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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/181,402	10/28/1998	MARK J. BEACH	RO998-106	9872

30449 7590 07/19/2007  
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SUITE 302  
LATHAM, NY 12110

EXAMINER
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BRIER, JEFFERY A

ART UNIT	PAPER NUMBER
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2628

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07/19/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

***Response to Amendment***

1. The reply filed on 5/11/2007 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): The amendment filed on 05/11/2007 fails to be responsive to the previous office letters mailed on 4/25/2007 and 1/16/2007 for the following reasons:

A) Applicant needs to refer to page 16 lines 11-23 where the differences between image interpreters 126 and 184 are discussed.

Dependent claim 17 claims the image interpreter of claim 14 can translate received image reception portions, however, this function is performed by image interpreter 126, see page 20 lines 3 to page 21 line 2, and not by image interpreter 184, see page 16 lines 3-23. Thus, the image interpreter of claim 17 is 126 while the image interpreter of claim 14 is 184 in view of the simulation browser added to claim 14. Page 16 lines 21-23 is noted, however, this statement does not give image interpreter 184 in the simulation browser embodiment of server 190 the same functions of image interpreter 126 found in the terminal embodiment of computer system 100;

B) Claim 27 refers to "image interpreter" but does not clearly refer to one of the image interpreters claimed in claim 23 at line 2 and at line 8;

C) Claim 23 due to the added simulation browser limitation does not clearly claim the locations of image interpreter 184 claimed at line 2 and image interpreter 126 claimed at line 8, thus, cancellation of claims 23, 27, and 28 may be necessary especially since a simulation browser "product" is not described by applicant's specification having both image interpreters 126 and 184, Note LizardTech Inc. v. Earth

Resource Mapping Inc., 76 USPQ2d 1724 (Fed. Cir. 2005) and Lizardtech Inc. v. Earth Resource Mapping Inc., 77 USPQ2d 1391 (Fed. Cir. 2006);

D) Claim 35 in step b)i) needs to refer to "a first image transmission portion" rather than "a first image transmission portion of the selected at least one image transmission portion" since this step only receives selected portions and does not include non-prioritized portions of the graphics file, which claim interpretation is important since step a)i) may only have one image transmission portion due to "at least one of " clause which would not allow for the claimed "receiving a first image transmission portion of the selected at least one image transmission portion" in step b)i) since their would only be one image transmission portion and would not allow for the "wherein the step of transmitting" clause to occur since there would only be one image transmission portion. Similarly claim 35 step A) has the same issues. It is possible that simply deleting "of the selected at least one image transmission portion" will resolve this issue; and

E) Page 12 lines 17-25 and claims 14, 17, 19, 20, 23, 27, 28, 44, 45, and 46 do not convey signal bearing media or recordable type media is limited to computer readable media as required by the analysis given in MPEP 2106.01I, Rev. 5, Aug. 2006, at page 2100-18 due to the words "variety of forms" at page 12 line 20 and "such as" at page 12 line 23. Cancellation of these claims may be necessary in order to comply with MPEP 2106.01I, Rev. 5, Aug. 2006.

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to

avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a). Also see MPEP 714.03, Rev. 5, Aug. 2006.

2. The following specification and drawing issues need to be addressed by applicant in response to this office letter.

***Specification***

3. The disclosure is objected to because of the following informalities:

at page 10 line 27 "network interfaces 182 and 160" is incorrect since reference number 160 references bus 160. Server 190's network interface is referenced by reference number 165; and

at page 21 line 25 "different header 520" is incorrect because the header is referenced by reference number 510 and location is referenced with reference number 520.

Appropriate correction is required.

***Drawings***

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description:

Reference numbers 610 and 620 are not present in the specification, refer to figure 6 and page 22 lines 15-20 of applicants specification.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with

37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

Steps 623 and 625 described at page 23 lines 8-13 of applicants specification are not shown in the drawings. If applicant deletes the reference numbers 623 and 625 from the specification then applicant will need to ensure the specification locates these steps correctly between steps 620 and 630. If applicant amends the drawings then applicants will need to ensure the drawings express these steps "can be added to test if interlacing is required" as described at page 23 line 10.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as

either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

6. The prior art made of record in the previous office action and not relied upon is considered pertinent to applicant's disclosure.

The book by Microsoft Press titled "Microsoft FrontPage 97 Step by Step" dated 1997 is cited as being of interest because the user may after creating a web page preview a web page's displayed appearance by clicking on the Preview in Browser button. Inherently the preview browser will add delays during the display of the web page due to inherent processing delays. Inherently network system delays while retrieving the external and internal files from the external and internal links, see the book at page 209 under heading verify hyperlinks, forming the web page will add delays between the files and depending upon the file's type delays between image transmission portions of each file will occur, see applicants specification at pages 6-10.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A Brier whose telephone number is (571) 272-7656. The examiner can normally be reached on M-F from 7:30 to 4:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael

Razavi, can be reached at (571) 272-7664. The fax phone Number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jeffery A. Brier/  
Primary Examiner, Division 2628